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VIA EMAIL TO WHITEJ@HOWREY.COM

August 25, 2009

Jason White Howrey LLP 321 North Clark Street, Suite 3400 Chicago, IL 60654

Re: <u>nXn Tech, LLC v. Google Inc., et al.</u>

Dear Jason,

During the Meet and Confer on August 19, 2009, Yahoo advised that it would promptly provide a location in Dallas where its source code would be provided. We have not heard from you in this regard. Please be advised that nXn plans to begin source code inspection beginning next week and will confirm in the near future. Per the terms of the protective order, Yahoo should provide its code given 24 hours notice. Please provide the location where such code will be made available for inspection by the end of business on Thursday, August 27 so that we may make arrangements with our technical advisor.

Additionally, as you are likely aware, the Protective Order in the above-referenced case requires that "[a]ny source code produced shall be produced for inspection as it is used or kept in the ordinary course of business." Thus all source code files should be provided in their native format in their native directory structure.

Finally, nXn appreciates Yahoo's commitment to install Eclipse software for the languages in which Yahoo's code will be provided. If you have any questions please do not hesitate to contact me.

Sincerely,

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Ari Rafilson